

JOURNAL OF THE FLORIDA SENATE

Thursday, April 8, 1971

The Senate was called to order by the President at 8:30 a.m. for the purpose of conducting the order of business of Introduction and reference of Resolutions, Memorials, Bills and Joint Resolutions, pursuant to Rule 4.3.

INTRODUCTION

By Senator Graham—

SB 573—A bill to be entitled An act relating to the board of examiners of landscape architects; amending §§481.011(2), (3) and (4), and 481.081, Florida Statutes, providing definitions; providing for the registration of corporations and partnerships under the landscape architects law; providing an effective date.

Was read the first time by title and referred to the Committee on Commerce.

By Senator Knopke—

SB 574—A bill to be entitled An act relating to motor vehicle odometer readings; amending §319.35(2), Florida Statutes, 1970 Supplement, as created by chapter 70-233, Laws of Florida, to exclude vehicles over four (4) years old from the provisions relating to tampering with odometers; providing an effective date.

Was read the first time by title and referred to the Committee on Commerce.

By Senator Scarborough—

SB 575—A bill to be entitled An act relating to secured transactions; amending §679.503, Florida Statutes; providing a thirty (30) day notice requirement prior to repossession of collateral by secured party and providing the debtor with an opportunity to cure an item of default within the thirty (30) day period; providing an effective date.

Was read the first time by title and referred to the Committee on Judiciary—Civil B.

By Senator Ducker—

SB 576—A bill to be entitled An act relating to garnishment; amending §77.28, Florida Statutes, to raise the amount to be deposited in the registry of the court by an applicant for a writ of garnishment; providing an effective date.

Was read the first time by title and referred to the Committee on Judiciary—Civil A.

By Senator Fincher—

SB 577—A bill to be entitled An act relating to the state treasurer; amending section 18.112, Florida Statutes, to provide that student loans and small business administration loans, which are guaranteed by the United States government, shall be authorized securities for all deposits of public funds; providing an effective date.

Was read the first time by title and referred to the Committee on Commerce.

By Senators Karl and Henderson—

SB 578—A bill to be entitled An act relating to banks and trust companies; amending section 659.16(1), Florida Statutes; establishing that the par value of eligible securities which are owned by the bank free of pledge and encumbrance and that portion of the par value of eligible securities which is in excess of the deposits to which pledged may be utilized in meeting reserve requirements; providing an effective date.

Was read the first time by title and referred to the Committee on Commerce.

By Senators Karl and Henderson—

SB 579—A bill to be entitled An act relating to industrial savings banks; amending chapter 656, Florida Statutes, by

adding section 656.211, Florida Statutes; establishing that records of the banking department are confidential and that all reports of examination and investigation are the property of the banking department; providing an effective date.

Was read the first time by title and referred to the Committee on Commerce.

By Senators Karl and Henderson—

SB 580—A bill to be entitled An act relating to industrial savings banks; amending section 656.121(2), F. S., to permit directors' qualifying shares to be subject to encumbrances or options; providing an effective date.

Was read the first time by title and referred to the Committee on Commerce.

By Senators Karl and Henderson—

SB 581—A bill to be entitled An act relating to industrial savings banks; amending section 656.121, Florida Statutes, by adding subsection (5); authorizing removal of directors by the commissioner pursuant to hearing and also emergency removal; providing an effective date.

Was read the first time by title and referred to the Committee on Commerce.

By Senators Henderson and Karl—

SB 582—A bill to be entitled An act relating to banks and trust companies; amending section 659.20(5)(c), Florida Statutes; increasing the percent of unimpaired capital and surplus that may be invested in small business investment companies; providing an effective date.

Was read the first time by title and referred to the Committee on Commerce.

By Senators Henderson and Karl—

SB 583—A bill to be entitled An act relating to banks and trust companies; amending section 659.11(2), Florida Statutes; authorizing directors' qualifying shares to be encumbered and optioned; providing an effective date.

Was read the first time by title and referred to the Committee on Commerce.

By Senators Henderson and Karl—

SB 584—A bill to be entitled An act relating to banks and trust companies; amending section 659.11, Florida Statutes; authorizing removal of directors by the commissioner; providing an effective date.

Was read the first time by title and referred to the Committee on Commerce.

By Senators Henderson and Karl—

SB 585—A bill to be entitled An act relating to banks and trust companies; amending section 658.10(1), Florida Statutes; establishing that records of the banking department are confidential and that all reports of examination and investigation are the property of the banking department; prohibiting banks, their officers, directors, officials or employees from making any part of report public except pursuant to court order; providing an effective date.

Was read the first time by title and referred to the Committee on Commerce.

By Senator McClain—

SB 586—A bill to be entitled An act relating to higher education; amending §239.581(2), Florida Statutes, relating to participation by students or employees in disruptive activities at junior colleges and universities, to provide that the penalties described therein be mandatory; providing an effective date.

Was read the first time by title and referred to the Committee on Universities and Community Colleges.

By Senator Fincher—

SB 587—A bill to be entitled An act relating to the official state flag; amending section 256.031, Florida Statutes, to provide secretary of state authority to disburse limited amount of said flags; providing an effective date.

Was read the first time by title and referred to the Committee on Governmental Efficiency.

By Senator Plante—

SB 588—A bill to be entitled An act relating to homicide; repealing §782.03, Florida Statutes, abolishing the defense of excusable homicide; providing an effective date.

Was read the first time by title and referred to the Committee on Judiciary—Criminal.

By Senator Plante—

SB 589—A bill to be entitled An act relating to consumer credit transactions; requiring a person denying credit to a consumer on the basis of a credit report to inform said consumer of the name and address of the credit bureau issuing the report; requiring the credit bureau, upon demand made in person, to furnish written copies of said credit report to the consumer whose credit application has been denied; providing definitions; providing penalties; providing an effective date.

Was read the first time by title and referred to the Committee on Commerce.

By Senator Plante—

SB 590—A bill to be entitled An act relating to drivers' licenses; amending §§322.36 and 322.38, Florida Statutes, to increase the penalty for permitting an unauthorized operator to drive a motor vehicle; further amending §322.38 to exempt persons engaged in the business of renting motor vehicles from such penalties where fraudulent misrepresentation of operator's license is involved; providing an effective date.

Was read the first time by title and referred to the Committee on Judiciary—Criminal.

By Senator Myers—

SB 591—A bill to be entitled An act relating to the relief of Mrs. Ella K. Wright; providing an appropriation to pay Mrs. Wright for damages sustained from a fall into a sunken median island; providing an effective date.

Was read the first time by title and referred to the Committees on Personnel, Retirement and Claims and Ways and Means.

By Senator Barrow—

SB 592—A bill to be entitled An act relating to elections; amending §98.051(2), Florida Statutes, authorizing acceptance of certain registrations when books are closed; providing an effective date.

Was read the first time by title and referred to the Committee on Judiciary—Civil B.

By Senator Barrow—

SB 593—A bill to be entitled An act relating to elections; amending §101.27(4), Florida Statutes; names of unopposed candidates not to appear on the ballot unless write-in candidate has qualified under §99.023, Florida Statutes; unopposed candidate shall be deemed to have voted for self; providing an effective date.

Was read the first time by title and referred to the Committee on Judiciary—Civil B.

By Senator Barrow—

SB 594—A bill to be entitled An act relating to national elections; amending §97.031, Florida Statutes, prescribing

procedures for the registration of electors to vote in national elections for president and vice-president of the United States under Public Law 91-285; providing an effective date.

Was read the first time by title and referred to the Committee on Judiciary—Civil B.

By Senator Barrow—

SB 595—A bill to be entitled An act relating to elected public officers; amending §111.011, Florida Statutes; providing certain exceptions to definition of "contribution"; providing that filing of statements is not required if no contributions received; further defining periods for which statements shall be filed; providing an effective date.

Was read the first time by title and referred to the Committee on Judiciary—Civil B.

By Senator Barrow—

SB 596—A bill to be entitled An act relating to candidates, campaign expenses and contesting elections; amending §99.161, Florida Statutes; placing limit on individual contributions to a candidate for municipal office; providing requirement that a defeated candidate shall file a final report pursuant to the provisions of this section after last primary election in which he participated; providing an effective date.

Was read the first time by title and referred to the Committee on Judiciary—Civil B.

By Senators Graham and Bishop—

SB 597—A bill to be entitled An act relating to state buildings and facilities; prohibiting the naming of such facilities for living persons; directing the division of archives, history, and records management to recommend names for such facilities; providing an effective date.

Was read the first time by title and referred to the Committee on Governmental Efficiency.

By Senator Graham—

SB 598—A bill to be entitled An act relating to landlords and tenants; creating §83.271, Florida Statutes, to provide for protection of tenants from certain action by landlords when said tenants report a violation or suspected violation of a health or building code; providing an effective date.

Was read the first time by title and referred to the Committee on Commerce.

By Senator Graham—

SB 599—A bill to be entitled An act relating to education; amending section 230.764(2)(b), Florida Statutes, authorizing recalculation for capital outlay and debt service funds; providing an appropriation; providing an effective date.

Was read the first time by title and referred to the Committees on Universities and Community Colleges and Ways and Means.

By Senator Weissenborn—

SB 600—A bill to be entitled An act for the relief of John Leonard Howard to compensate him for a permanent disability suffered while working as an inmate at the state prison at Raiford; providing an appropriation; providing an effective date.

Was read the first time by title and referred to the Committees on Personnel, Retirement and Claims and Ways and Means.

By Senator Bell—

SB 601—A bill to be entitled An act relating to sweepstake races; providing for sale of sweepstake race tickets; providing for state racing commission to administer this act; providing for licensees; providing for rules and regulations; providing for purses and prizes for winning tickets; providing for use of funds; providing when said act shall take effect.

Was read the first time by title and referred to the Committee on Rules, Calendar, Privileged Business and Ethics.

By Senator Boyd—

SB 602—A bill to be entitled An act relating to juror compensation; amending §40.24, Florida Statutes, to increase daily pay and mileage allowance of jurors and extend mileage allowance to each day court in is session; providing an effective date.

Was read the first time by title and referred to the Committees on Judiciary—Civil A and Ways and Means.

By Senator Johnson (34th)—

SB 603—A bill to be entitled An act relating to public defenders; amending §27.51(4)(d), Florida Statutes, to provide that the public defender of the fifteenth rather than the ninth judicial circuit may handle appeals for any other public defender within the fourth district court of appeal; providing an effective date.

Was read the first time by title and referred to the Committee on Judiciary—Civil A.

By Senator Johnson (34th)—

SB 604—A bill to be entitled An act relating to grand juries; amending §905.17, Florida Statutes, as amended by chapter 70-339, Laws of Florida; providing that complete stenographic records of all grand jury sessions shall be made and preserved; providing an effective date.

Was read the first time by title and referred to the Committee on Judiciary—Civil A.

The Senate recessed at 8:35 a.m.

The Senate was called to order by the President at 10:00 a.m. A quorum present—47:

Mr. President	Daniel	Johnson (29th)	Reuter
Arnold	Deeb	Johnson (34th)	Saunders
Barron	de la Parte	Karl	Sayler
Barrow	Ducker	Knopke	Scarborough
Beaufort	Fincher	Lane	Stolzenburg
Bell	Gong	Lewis (33rd)	Trask
Bishop	Graham	Lewis (43rd)	Ware
Boyd	Gunter	McClain	Weber
Brannen	Haverfield	Myers	Weissenborn
Brantley	Henderson	Ott	Williams
Broxson	Hollahan	Plante	Wilson
Childers	Horne	Pope	

Excused: Senator Poston.

Prayer by Senator Broxson:

Our Father who art in Heaven, hallowed be thy name. You are a constant source of amazement to us who are your children, your creation. You made and set into motion the galaxies and constellations, you thrust our own solar system into its place and cause the earth upon which we dwell to continue unswervingly and unerringly in its orbit and yet you are concerned about each of us in our own individual needs, goals, ambitions and destinies. We are thankful for your total care and watchfulness.

Rock of ages, we are acutely aware of what this time of year means to each of us. It is such a holy time that we feel as Moses did when he removed his shoes on holy ground, electrified and awed at your presence. As the Passover, Good Friday and Easter approach, awake, resurrect within us the pathos, compassion and joy that belong to your children.

For thine is the kingdom and the power and the glory forever. Amen.

The Journal of April 7 was corrected and approved.

The Journal of April 6 was corrected and approved as follows:

Page 49, counting from the bottom of column 2, line 26, strike "275" and insert 375

Page 50, column 1, line 16, strike "250" and insert 230

Page 53, column 1, between lines 4 and 5 insert:

Senators Brannen and Trask offered the following amendment which was adopted on motion by Senator Trask:

REPORTS OF COMMITTEES

The Committee on Commerce recommends the following pass: SB 332 with 2 amendments, SB 354.

The Committee on Public Schools recommends the following pass: Senate Bills 330 and 409.

The bills contained in the foregoing report were placed on the Calendar.

The Committee on Commerce recommends a Committee Substitute for SB 278.

The bill with Committee Substitute attached was placed on the Calendar.

The Committee on Commerce recommends a Committee Substitute for SB 189.

The bill with Committee Substitute attached was placed on the Calendar.

ENGROSSING REPORTS

Your Engrossing Clerk to whom was referred—

SB 225 with 1 amendment SB 195 with 1 amendment
SB 186 with 2 amendments

—reports that the Senate amendments have been incorporated and the bills are returned herewith.

ELMER O. FRIDAY
Secretary of the Senate

The bills were certified to the House.

On motion by Senator Hollahan, John Walters, executive editor of the Florida Times Union, and staff members Hank Drane, political editor; Foster Marshall, chief photographer, and Sev Sunseri, Capitol bureau photographer, were admitted to the floor of the Senate.

The President Pro Tempore presiding.

Mr. Walters, on behalf of the Florida Times Union, presented the following Allen Morris legislative awards to outstanding members of the Senate for the 1970 session:

Second Term Senator Showing Greatest Development, Senator Bob Saunders

Most Effective in Committee, Senator Elmer O. Friday

Most Effective in Debate, Senator William Dean Barrow

Outstanding First Term Member, Senator Dan Scarborough

Second Runner-up, Most Valuable Member of the Senate, Senator Warren S. Henderson

First Runner-up, Most Valuable Member of the Senate, Senator Mallory E. Horne

Most Valuable Member of the Senate, Senator Jerry Thomas

The President presiding.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Myers, by two-thirds vote, SB 281 was removed from the Calendar and referred to the Committee on Health, Welfare and Institutions.

On motion by Senator Stolzenburg, by two-thirds vote, SB 103 was removed from the Calendar and from further consideration of the Senate.

On motion by Senator Karl, by two-thirds vote, SB 564 was withdrawn from the Committee on Commerce and re-referred to the Committee on Governmental Efficiency.

On motion by Senator Henderson, by two-thirds vote, SCR 476 was withdrawn from the Committee on Judiciary—Civil B.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Jerry Thomas
President of the Senate

April 7, 1971

Sir:

I am directed to inform the Senate that the House of Representatives has passed SB 620.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

The bill, contained in the above message, was ordered enrolled.

The Honorable Jerry Thomas
President of the Senate

April 6, 1971

Sir:

I am directed to inform the Senate that the House of Representatives has passed as amended—

By the Committee on Judiciary and Representative Sessums and others—

HB 468—A bill to be entitled An act relating to the non-partisan nomination and election of certain justices and judges; providing the method of qualifying for office; providing election procedures; providing for the amount and disposition of filing fees; restricting certain political activities of candidates; prohibiting certain activities on behalf of candidates; providing a penalty; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HB 468, contained in the above message, was read the first time by title and referred to the Committee on Judiciary—Civil B.

The Honorable Jerry Thomas
President of the Senate

April 8, 1971

Sir:

I am directed to inform the Senate that the House of Representatives has passed as amended—

By the Committee on Finance & Taxation and Representative Ogden and others—

HB 753—A bill to be entitled An act relating to exemptions from ad valorem taxation; amending chapter 196, Florida Statutes, by adding new sections, amending section 196.011, Florida Statutes, and by repealing sections 196.191, 196.201, 196.211, 196.22, 196.25, 196.275 and 196.30, Florida Statutes; repealing all exemptions granted by special or local acts or general acts of local application; providing specific exemptions

for certain property used exclusively for governmental, religious, or educational purposes; providing an exemption for widows and for totally and permanently disabled persons; providing an exemption for such portions of property used predominantly for literary, scientific, religious, or charitable purposes; establishing procedures and criteria for granting exemptions; increasing the exemption for widows, blind persons and totally and permanently disabled persons; restricting the exemption of governmental property leased to non-governmental lessees after June 1, 1971; providing a severability clause; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HB 753, contained in the above message, was read the first time by title and referred to the Committee on Ways and Means.

RESOLUTIONS

SCR 15—A concurrent resolution urging greater public interest in rehabilitation and employment of disabled citizens; requesting the state's high school principals to conduct an annual Ability Counts Essay Contest and encourage universities and colleges of Florida to establish scholarships for winners of these contests.

—was read the second time.

The Committee on Public Schools offered the following amendment which was adopted on motion by Senator Broxson:

On page 2, lines 27-30, strike 27-30 "BE IT FURTHER RESOLVED that the colleges and universities of Florida be encouraged to establish scholarships for winners of each year's Ability Counts Contest.

The Committee on Public Schools offered the following amendment which was adopted on motion by Senator Broxson:

On page 2, line 31, strike "BE IT FURTHER RESOLVED that copies of this and on page 3, lines 1 and 2, strike "resolution be transmitted to the heads of all high schools, colleges and universities in Florida."

The Committee on Public Schools offered the following amendment which was adopted on motion by Senator Broxson:

On page 1, lines 1-12, strike "A concurrent resolution urging greater public interest in rehabilitation and employment of disabled citizens; requesting the state's high school principals to conduct an annual Ability Counts Essay Contest and encourage universities and colleges of Florida to establish scholarships for winners of these contests." and insert the following: A concurrent resolution urging all high school principals and administrators to bring to the attention of students the annual Ability Counts Essay Contest.

On motion by Senator Johnson (29th), SCR 15 as amended was read in full as follows:

SCR 15—A concurrent resolution urging all high school principals and administrators to bring to the attention of students the annual Ability Counts Essay Contest.

WHEREAS, many Floridians become severely disabled annually as a result of disease, work injuries, accidents, tragedies of the highways, and in defense of their nation; and

WHEREAS, after many months of physical and mental rehabilitation procedures, many of these severely disabled Floridians are unable to return to their former occupations and to adequately provide for their families or their own sustenance, due to their disabilities; and

WHEREAS, many of these disabled Floridians are determined to hold their self-respect and their proper place in the community and not become wards of the state; and

WHEREAS, many of these disabled Floridians enter vocational rehabilitation training programs, and in many cases at their own expense in order to be productive and retain their proper place in our society; and

WHEREAS, many employers in the state hire handicapped persons who are trained and qualified to contribute to the goals of the employer; and

WHEREAS, many private industry employers, and many government employers, with missions to accomplish, are reluctant to hire severely handicapped persons or establish on-the-job work experience for those who have not had a chance to prove their abilities; and

WHEREAS, the President's Committee and the Governor's Committee on Employment of the Handicapped have found one of the best ways of acquainting the public, especially employers, of the value of hiring ability is by sponsoring an Ability Counts Essay Contest in the high schools of our nation and state, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida, the House of Representatives Concurring:

That the Legislature requests all high school principals and administrators to bring to the attention of their junior and senior grade high school students the annual Ability Counts Essay Contest, thereby, creating a greater interest in rehabilitation and employment among the public, especially employers.

—adopted and ordered engrossed. The vote was: Yeas—41
Nays—None

Mr. President	Deeb	Johnson (29th)	Sayler
Arnold	de la Parte	Johnson (34th)	Scarborough
Barron	Ducker	Karl	Trask
Barrow	Fincher	Lane	Ware
Bell	Gong	Lewis (33rd)	Weber
Bishop	Graham	Lewis (43rd)	Weissenborn
Brannen	Gunter	McClain	Williams
Brantley	Haverfield	Myers	Wilson
Broxson	Henderson	Plante	
Childers	Hollahan	Reuter	
Daniel	Horne	Saunders	

By unanimous consent Senator Beaufort was recorded as voting yea.

By Senator Brantley—

SCR 187—A concurrent resolution establishing an interim committee to study the needs of veterans in Florida; providing for the duties and expenses of the committee.

Was read the second time.

The Committee on Judiciary—Civil A offered the following amendment which was adopted on motion by Senator Brantley:

On page 2, line 6, section 3, strike "1971" and insert: 1972

On motion by Senator Brantley, SCR 187 as amended was read in full as follows:

SCR 187—A concurrent resolution establishing an interim committee to study the needs of veterans in Florida; providing for the duties and expenses of the committee.

Be It Resolved by the Senate of the State of Florida, the House of Representatives Concurring:

Section 1. There is hereby created a joint interim committee of the legislature to study the needs of the veterans of any

war or hostilities in which the United States has engaged, who are currently residing in Florida. The committee shall be composed of four (4) members of the Senate appointed by the President of the Senate and four (4) members of the House of Representatives appointed by the Speaker of the House.

Section 2. As soon as practicable the committee shall meet and organize. The committee shall seek the advice of veterans' organizations throughout the state and may hold public hearings throughout the state as it deems necessary.

Section 3. It shall be the duty of the committee to make a comprehensive study of the needs of such veterans and the responsiveness of present laws to such needs. The aim of the study shall be to further and enhance cooperation among federal, state and local agencies charged with the administration of laws relating to such veterans, and to provide uniformity, efficiency and maximum protection of the interests of such veterans in the handling of their problems by such agencies. The committee shall report its findings and recommendations to the regular session of the legislature in 1972.

Section 4. The legislative service bureau is directed to furnish clerical assistance as requested. The committee members shall be compensated only for per diem and travel expenses pursuant to §112.061, Florida Statutes, from appropriations for legislative expenses.

—adopted and ordered engrossed. The vote was:

Yeas—44

Mr. President	Daniel	Horne	Plante
Arnold	Deeb	Johnson (29th)	Reuter
Barron	de la Parte	Johnson (34th)	Saunders
Barrow	Ducker	Karl	Sayler
Beaufort	Fincher	Knopke	Scarborough
Bell	Gong	Lane	Stolzenburg
Bishop	Graham	Lewis (33rd)	Trask
Brannen	Gunter	Lewis (43rd)	Ware
Brantley	Haverfield	McClain	Weber
Broxson	Henderson	Myers	Weissenborn
Childers	Hollahan	Ott	Williams

Nays—1

Wilson

Unanimous consent was granted Senator Plante to change his vote from yea to nay.

On motion by Senator de la Parte, the rules were waived and the Senate reverted to—

INTRODUCTION

Unanimous consent was granted Senator de la Parte to introduce the following bills out of order:

By the Committee on Ways and Means—

SB 642—A bill to be entitled An act relating to tax on sales, admissions, use, storage, consumption, or rentals pursuant to chapter 212, Florida Statutes; repealing subsections (1), (2), (3) and (7) of section 212.17, Florida Statutes, to eliminate tax credits or refunds on repossessions or bad debts; renumbering subsections (4), (5) and (6) of said section as (1), (2) and (3); amending §212.05 (5) Florida Statutes, to eliminate provision making §212.17 (5), Florida Statutes, applicable to tax on certain charges; providing an effective date.

Was read the first time by title and referred to the Committee on Ways and Means.

By the Committee on Ways and Means—

SB 643—A bill to be entitled An act relating to tax on sales, admissions, use, storage, consumption, or rentals levied pursuant to chapter 212, Florida Statutes; repealing §212.08(3)(a), Florida Statutes, as amended by chapter 70-206, Laws of Florida, to eliminate partial exemption from tax on motor vehicles and certain farm equipment; amending §212.08(3)(b), Florida Statutes, by increasing from three percent (3%) to four percent (4%) the value of leased motor vehicles at which the exemption shall commence; providing an effective date.

Was read the first time by title and referred to the Committee on Ways and Means.

By the Committee on Ways and Means—

SB 644—A bill to be entitled An act relating to taxation; providing for revision of the state, county and municipal license taxes on dealers in alcoholic beverages; repealing section 561.36 and subsection 561.26(2), Florida Statutes; amending subsections 561.34(1), (2), (3), (6) and (7), Florida Statutes; amending section 561.35, Florida Statutes; adding new section 561.342, Florida Statutes, to provide for county and municipal licenses; providing an effective date.

Was read the first time by title and referred to the Committee on Ways and Means.

By the Committee on Ways and Means—

SB 645—A bill to be entitled An act relating to taxation; repealing sections 624.0310, 624.0311 and 624.0312, Florida Statutes, which relate to exemptions, credits and deductions from the insurance premium tax; providing an exception for certain existing insurance contracts; providing an effective date.

Was read the first time by title and referred to the Committee on Ways and Means.

By the Committee on Ways and Means—

SB 646—A bill to be entitled An act relating to tax on sales, admissions, use, storage, consumption or rentals levied pursuant to chapter 212, Florida Statutes; amending §212.08(3)(b), Florida Statutes, to eliminate sales tax exemption on motor vehicles purchased exclusively for rental purposes; providing an effective date.

Was read the first time by title and referred to the Committee on Ways and Means.

By the Committee on Ways and Means—

SB 647—A bill to be entitled An act relating to tax on sales, admissions, use, storage, consumption, or rentals levied pursuant to chapter 212, Florida Statutes; amending section 212.05(6), Florida Statutes, to increase the tax on the sale, rental, use, consumption or storage for use in this state on certain industrial equipment to four percent (4%); providing an effective date.

Was read the first time by title and referred to the Committee on Ways and Means.

By the Committee on Ways and Means—

SB 648—A bill to be entitled An act relating to tax on sales, admissions, use, storage, consumption, or rentals imposed pursuant to chapter 212, Florida Statutes; repealing §212.09, Florida Statutes, to delete the provision for the deduction of amounts allowed on trade-ins from the sales price of articles sold; conforming §212.02(4) and §212.08(3)(c), Florida Statutes, by deleting reference to trade-ins; providing an effective date.

Was read the first time by title and referred to the Committee on Ways and Means.

By the Committee on Ways and Means—

SB 649—A bill to be entitled An act relating to tax on sales, admissions, use, storage, consumption or rentals imposed pursuant to chapter 212, Florida Statutes; amending §212.05(3), Florida Statutes, and §212.08(6), Florida Statutes, as amended by chapter 70-373, Laws of Florida, by deleting tax exemption on film rentals where admissions are charged; providing an effective date.

Was read the first time by title and referred to the Committee on Ways and Means.

By the Committee on Ways and Means—

SB 650—A bill to be entitled An act relating to the dealer's credit for collection of state sales tax; amending section 212.12(1), Florida Statutes, providing a scale for computation of the credit for collecting tax; providing an effective date.

Was read the first time by title and referred to the Committee on Ways and Means.

By the Committee on Ways and Means—

SB 651—A bill to be entitled An act relating to taxation; repealing section 561.463, subsections 561.461(2) and 561.64(2) and paragraphs 561.46(2)(b), 561.46(5)(b) and 561.46(6)(b), Florida Statutes, which provide exceptions from the excise taxes on alcoholic beverages for certain beverages made from Florida grown products; amending subsections 561.46(3) and (4), Florida Statutes, to delete the exceptions given certain beverages made from Florida grown products; providing an effective date.

Was read the first time by title and referred to the Committee on Ways and Means.

By the Committee on Ways and Means—

SB 652—A bill to be entitled An act relating to taxation of cigarettes; amending subsection 210.05(3), Florida Statutes, by reducing the allowance for compensation of agents affixing cigarette stamps and collecting state tax thereby; providing an effective date.

Was read the first time by title and referred to the Committee on Ways and Means.

By the Committee on Ways and Means—

SB 653—A bill to be entitled An act relating to tax on sales, use and other transactions; amending chapter 212, Florida Statutes, by adding section 212.083 to authorize and provide for refunds of taxes paid by nonprofit religious, educational and charitable institutions; amending subsection 212.15(1) to provide that sales taxes collected from nonprofit religious, educational and charitable institutions shall not become state funds upon collection; providing an effective date.

Was read the first time by title and referred to the Committee on Ways and Means.

By the Committee on Ways and Means—

SB 654—A bill to be entitled An act relating to taxation; amending subsection 212.08(7), Florida Statutes, to provide an exemption from sales and use taxes for household utilities; providing definitions; providing an effective date.

Was read the first time by title and referred to the Committee on Ways and Means.

By the Committee on Ways and Means—

SB 655—A bill to be entitled An act relating to taxation of non-cigarette tobacco products; adding new section 210.021, Florida Statutes, to provide for the levy and rate of taxation; providing for administration, penalties and procedures; providing an effective date.

Was read the first time by title and referred to the Committee on Ways and Means.

By the Committee on Ways and Means—

SB 656—A bill to be entitled An act relating to taxation; amending section 561.505, Florida Statutes, by reducing the allowance to distributors of spirituous beverages; providing an effective date.

Was read the first time by title and referred to the Committee on Ways and Means.

THIRD READING

SB 156—A bill to be entitled An act relating to the unauthorized copying of recorded sounds; amending chapter 543, Florida Statutes, by adding section 543.041; making unlawful the unauthorized copying of sounds from any phonograph record, disc, wire, tape, film, or other article on which sounds are recorded and providing a penalty; providing an effective date.

—was taken up and read the third time by title.

Senators Gunter and Ducker offered the following amendment which was adopted by two-thirds vote on motion by Senator Gunter:

On page 1, lines 26-28, section 1, strike all of line 26 through and including line 28 and insert the following: sold for profit, such article on which sounds are so transferred.

Senators Gunter and Daniel offered the following amendment which was adopted by two-thirds vote on motion by Senator Gunter:

On page 2, line 5, section 1, strike the period (.) and add the following: , each unauthorized copy constituting a separate and distinct offense.

SB 156 as amended was read, passed and ordered engrossed. The vote was:

Yeas—33

Mr. President	Childers	Hollahan	Pope
Arnold	Daniel	Horne	Sayler
Barron	Deeb	Johnson (34th)	Stolzenburg
Barrow	de la Parte	Karl	Trask
Beaufort	Ducker	Knopke	Ware
Bell	Fincher	Lewis (33rd)	Williams
Brannen	Graham	Lewis (43rd)	
Brantley	Gunter	McClain	
Broxson	Haverfield	Plante	

Nays—11

Bishop	Johnson (29th)	Ott	Weissenborn
Gong	Lane	Reuter	Wilson
Henderson	Myers	Scarborough	

SECOND READING

SB 108—A bill to be entitled An act relating to motor vehicles inspection; amending chapter 325.19, Florida Statutes, by adding subsection (4); providing that odometer readings shall be recorded on motor vehicle inspection forms; amending section 325.14, Florida Statutes, by making 325.14 subsection (1) of said section, and adding subsection (2); providing that no used motor vehicle may be sold unless odometer readings are provided; providing an effective date.

Was read the second time by title.

On motion by Senator Karl the following amendment was adopted:

On page 2, lines 3-7, section 2, strike on line 3 the words "at least" and all of lines 4 through and including line 7.

On motion by Senator Karl, by two-thirds vote, SB 108 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—40

Mr. President	Deeb	Horne	Plante
Arnold	de la Parte	Johnson (29th)	Pope
Barron	Ducker	Johnson (34th)	Reuter
Barrow	Fincher	Karl	Sayler
Beaufort	Gong	Knopke	Scarborough
Bishop	Graham	Lane	Stolzenburg
Brannen	Gunter	Lewis (33rd)	Trask
Brantley	Haverfield	Lewis (43rd)	Weissenborn
Broxson	Henderson	McClain	Williams
Childers	Hollahan	Myers	Wilson

Nays—1

Ware

By unanimous consent Senator Daniel was recorded as voting yea.

On motion by Senator Henderson, unanimous consent was obtained to take up out of order—

SCR 476—A concurrent resolution inviting the Republican Party to hold its 1972 Convention in Miami Beach.

WHEREAS, the Republican National Committee will hold hearings in March to determine the location of the 1972 Convention, and

WHEREAS, Miami Beach is the convention center of the world, and

WHEREAS, Miami Beach has extensive accommodations for convention delegates and guests, and

WHEREAS, Miami Beach has existing facilities for comprehensive press and television coverage, and

WHEREAS, Miami Beach is noted for its inviting climate and recreational facilities, and

WHEREAS, Miami Beach provided a pleasant and enjoyable atmosphere for the Republican Party's 1968 National Convention, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida, the House of Representatives Concurring:

That the Florida Legislature officially extends an invitation to the Republican Party to hold its 1972 Convention in Miami Beach.

BE IT FURTHER RESOLVED that the Governor, Lieutenant Governor, and Cabinet be respectfully requested to concur in this invitation so that it will be extended from all the people of Florida to the Republican Party.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the site selection committee of the Republican National Executive Committee for its earnest consideration.

—which was read the second time in full. On motion by Senator Henderson SCR 476 was adopted. The vote was: Yeas—41 Nays—None

Mr. President	de la Parte	Karl	Scarborough
Arnold	Ducker	Knopke	Stolzenburg
Barrow	Fincher	Lane	Trask
Beaufort	Gong	Lewis (33rd)	Ware
Bishop	Graham	Lewis (43rd)	Weber
Brannen	Gunter	McClain	Weissenborn
Brantley	Haverfield	Myers	Williams
Broxson	Henderson	Plante	Wilson
Childers	Horne	Pope	
Daniel	Johnson (29th)	Reuter	
Deeb	Johnson (34th)	Sayler	

Unanimous consent was granted Senator Hollahan to be recorded as voting yea.

On motion by Senator Henderson, by two-thirds vote, SCR 476 was immediately certified to the House.

SB 114—A bill to be entitled An act relating to school bus drivers: amending Section 234.14, Florida Statutes, by excluding persons who have previously had their drivers licenses suspended or revoked from being employed as school bus drivers; providing an effective date.

Was read the second time by title.

The Committee on Judiciary—Civil A offered the following amendment which was moved by Senator Barron:

In Section 1, page 1, following line 16 and preceding line 17 insert the following: 234.14 General qualifications.—Each school bus driver shall:

Further consideration of SB 114 was deferred.

SB 122—A bill to be entitled An act relating to the probate of small estates; amending sections 735.01 and 735.04(2), Florida Statutes, to increase to fifteen thousand dollars (\$15,000) the maximum value of estates for which administration may be dispensed with under certain conditions; providing an effective date.

Was read the second time by title. On motion by Senator de la Parte, by two-thirds vote SB 122 was read the third time by title, passed and certified to the House. The vote was: Yeas—40 Nays—None

Mr. President	de la Parte	Johnson (29th)	Pope
Barron	Ducker	Johnson (34th)	Reuter
Barrow	Fincher	Karl	Sayler
Beaufort	Gong	Knopke	Scarborough
Bell	Graham	Lane	Stolzenburg
Bishop	Gunter	Lewis (33rd)	Trask
Brannen	Haverfield	Lewis (43rd)	Weber
Brantley	Henderson	McClain	Weissenborn
Childers	Hollahan	Myers	Williams
Daniel	Horne	Plante	Wilson

By unanimous consent Senators Arnold and Ware were recorded as voting yea.

SB 216—A bill to be entitled An act relating to tampering with jurors; adding section 40.44, Florida Statutes; providing for penalties; providing for effective date.

Was read the second time by title.

The Committee on Judiciary—Criminal offered the following amendment which was adopted on motion by Senator Barrow:

On page 1, line 13, section 1, strike “wrongfully or unlawfully” and insert the following: willfully and knowingly, improperly

The Committee on Judiciary—Criminal offered the following amendment which was adopted on motion by Senator Barrow:

On page 1, line 18, section 1, strike “him as”

On motion by Senator Barrow, by two-thirds vote, SB 216 as amended was read the third time by title, passed and ordered engrossed. The vote was: Yeas—43 Nays—None

Mr. President	Deeb	Johnson (29th)	Pope
Arnold	de la Parte	Johnson (34th)	Reuter
Barron	Ducker	Karl	Sayler
Barrow	Fincher	Knopke	Scarborough
Beaufort	Gong	Lane	Stolzenburg
Bell	Graham	Lewis (33rd)	Trask
Bishop	Gunter	Lewis (43rd)	Ware
Brannen	Haverfield	McClain	Weissenborn
Brantley	Henderson	Myers	Williams
Childers	Hollahan	Ott	Wilson
Daniel	Horne	Plante	

SB 300—A bill to be entitled An act relating to fire fighters generally as herein defined; specifically authorizing collective bargaining and collective bargaining agreements between fire fighters and their public employers; establishing the right to organize and bargain collectively; providing for the recognition of a bargaining agent; providing for arbitration of disputes by an arbitration board; providing for appointment of arbitrators and payment of same; providing decisions of board shall be binding; defining collective bargaining contract; limits items to be bargained for; prohibiting the right to strike; repealing conflicting laws; providing an effective date.

Was read the second time by title.

The Committee on Judiciary—Civil B offered the following amendment which was moved by Senator Horne:

On page 8, line 12, section 12, strike period after “arbitration” and insert the following: , except that as to those determinations affecting finance, revenue, budget or appropriations, the same shall only be advisory to the law making body or head of the political subdivision.

Senator Brantley offered and moved the following substitute amendment:

On page 8, line 12, section 12, after the word “arbitration,” insert the following: The majority decision of the arbiters shall be a final determination of the issue or issues in dispute between

the governmental authority and the firemen involved. In his annual budget request to the City Council; the mayor, city manager, or other appropriate city official, shall include such amounts as shall be sufficient to fund the provisions of the collective bargaining agreement. If less than the requested amount is appropriated, the collective bargaining agreement shall be returned to the mayor, city manager, or other appropriate city official, and the bargaining agent for further negotiations within the framework of the amount of the funds so appropriated. Upon written resolution adopted by the City Council the time periods prescribed by this section may be modified to conform to the budget submission procedures.

Senator Barrow moved that the rules be waived and further consideration of SB 300 be temporarily deferred.

Senator Broxson moved as a substitute motion that SB 300 together with all pending amendments be re-referred to an appropriate committee.

Senator Horne raised a point of order, notwithstanding the language of Rules 4.8 and 3.9, in the matter of the reference of bills to committee; viz: whether use of the language “a different committee” presupposes that the mover would exercise to a certain degree the presidential prerogative by naming the different committee and thereby the motion would require a two-thirds vote; and where the mover elects the language “appropriate committee” the committee reference would be the prerogative of the president and thus would require only a majority vote.

The President appointed as a special committee to research the point, Senators Hollahan, Karl, Daniel, Horne and Henderson. The members of the committee were excused from attendance and withdrew from the chamber.

The Senate resumed consideration of—

SB 114—A bill to be entitled An act relating to school bus drivers: amending Section 234.14, Florida Statutes, by excluding persons who have previously had their drivers licenses suspended or revoked from being employed as school bus drivers; providing an effective date.

—together with the following pending amendment by the Committee on Judiciary—Civil A, which was adopted:

In Section 1, page 1, following line 16 and preceding line 17 insert the following: 234.14 General qualifications.—Each school bus driver shall:

The Committee on Judiciary—Civil A offered the following amendment which was moved by Senator Barron:

In Section 1, lines 18—21, page 1, strike: all of line 18 through and including line 21 and insert: in previous years.

Senators Horne and Barron offered the following substitute amendment which was adopted on motion by Senator Barron:

On page 1, line 17, strike all of subsection (3) and insert the following: (3) *Have maintained a safe driving record for the five year period next preceding such employment and whose driver's license has not been revoked during any part of the preceding ten year period.*

Senators Horne and McClain offered the following amendment which was adopted on motion by Senator McClain:

On page 1, strike lines 3—11, insert the following: title amendment:

A bill to be entitled An act relating to school bus drivers, amending Section 234.14, Florida Statutes, by providing school bus drivers shall have a safe driving record for the five (5) year period next preceding to employment and whose driver's license has not been revoked during any part of the preceding ten (10) year period, providing an effective date.

On motion by Senator McClain, by two-thirds vote, SB 114 as amended was read the third time by title, passed and ordered engrossed. The vote was: Yeas—37 Nays—None

Mr. President	Ducker	Lewis (43rd)	Stolzenburg
Arnold	Fincher	McClain	Trask
Barron	Gong	Myers	Ware
Beaufort	Gunter	Ott	Weber
Bell	Haverfield	Plante	Weissenborn
Bishop	Johnson (29th)	Pope	Williams
Brantley	Johnson (34th)	Reuter	Wilson
Childers	Knopke	Saunders	
Deeb	Lane	Sayler	
de la Parte	Lewis (33rd)	Scarborough	

By unanimous consent Senators Graham and Brannen were recorded as voting yea.

SB 139—A bill to be entitled An act relating to elections; amending section 98.111, Florida Statutes; adding occupation to the list of items required to be supplied on voter registration forms; providing an effective date.

—was read the second time by title.

On motion by Senator Lewis (33rd) the following amendment was adopted:

On page 2, line 17, section 2, strike "upon becoming a law." and insert the following: January 1, 1973.

On motion by Senator Johnson (29th), by two-thirds vote, SB 139 as amended was read the third time by title, and failed to pass. The vote was:

Yeas—17

Arnold	Gunter	Lewis (33rd)	Plante
Bell	Haverfield	Lewis (43rd)	Stolzenburg
Brantley	Johnson (29th)	McClain	
Fincher	Johnson (34th)	Myers	
Gong	Knopke	Ott	

Nays—18

Mr. President	Deeb	Saunders	Weissenborn
Barron	de la Parte	Sayler	Williams
Bishop	Ducker	Trask	Wilson
Brannen	Graham	Ware	
Childers	Pope	Weber	

By unanimous consent Senator Arnold changed his vote from yea to nay.

The special committee appointed by the President to research the question contained in the point of order raised by Senator Horne relative to SB 300 returned to the chamber.

SB 89—A bill to be entitled An act relating to elevator certificates; amending section 399.07(3), Florida Statutes, prohibiting unauthorized printing on elevator inspection certificates; providing an effective date.

—was read the second time by title. On motion by Senator Sayler, by two-thirds vote SB 89 was read the third time by title, passed and certified to the House. The vote was:

Yeas—42

Mr. President	Ducker	Karl	Saunders
Arnold	Fincher	Knopke	Sayler
Barron	Gong	Lane	Stolzenburg
Beaufort	Graham	Lewis (33rd)	Trask
Bell	Gunter	Lewis (43rd)	Ware
Bishop	Haverfield	McClain	Weber
Brannen	Henderson	Myers	Weissenborn
Brantley	Hollahan	Ott	Williams
Childers	Horne	Plante	Wilson
Daniel	Johnson (29th)	Pope	
Deeb	Johnson (34th)	Reuter	

Nays—1

de la Parte

The special committee composed of Senators Hollahan, Karl, Daniel, Horne and Henderson appointed to resolve the question raised by Senator Horne relative to the motion by Senator Broxson that SB 300 with all pending amendments be re-referred to an appropriate committee reported as follows:

That part of Rules 4.8 and 3.9 which permit a motion to refer a bill to "a different" committee presupposes that the mover thereof would designate such "different" committee. Under such circumstances the rule wisely requires a two-thirds vote because the President's discretion of committee reference is invaded by the mover. When a Senator does not thus invade the discretion of the President but moves instead that a bill be referred to an "appropriate" committee, leaving the decision to the President as to which committee such bill shall be referred, the adoption thereof shall only require a majority vote. This distinction is supported by uncontradicted precedent of long standing.

Pursuant thereto, the President ruled the motion by Senator Broxson would require a majority vote.

The Senate resumed consideration of SB 300.

The question recurred on the substitute motion by Senator Broxson and the motion failed by the following vote:

Yeas—17

Barron	Henderson	Reuter	Ware
Bell	Johnson (29th)	Sayler	Weber
Childers	Lane	Scarborough	
Deeb	Plante	Stolzenburg	
Ducker	Pope	Trask	

Nays—25

Mr. President	de la Parte	Johnson (34th)	Saunders
Arnold	Fincher	Knopke	Weissenborn
Beaufort	Gong	Lewis (33rd)	Williams
Bishop	Graham	Lewis (43rd)	Wilson
Brannen	Gunter	McClain	
Brantley	Hollahan	Myers	
Daniel	Horne	Ott	

By unanimous consent Senator Broxson was recorded as voting yea.

By unanimous consent Senator Boyd was recorded as voting nay.

The question recurred on the motion by Senator Barrow to temporarily defer SB 300. The motion failed.

On motion by Senator Scarborough the following amendment to the substitute amendment was adopted:

On page 8, line 3, section 12, after "shall be", strike the remainder of the section through line 12 and insert the following: advisory only and shall be reduced to writing with findings of fact and submitted by the arbiters to the appropriate governing body for consideration.

The vote was:

Yeas—25

Mr. President	Deeb	Lewis (33rd)	Weber
Barron	Ducker	Myers	Weissenborn
Bell	Gunter	Plante	Williams
Bishop	Johnson (29th)	Pope	Wilson
Broxson	Johnson (34th)	Sayler	
Childers	Karl	Scarborough	
Daniel	Lane	Ware	

Nays—13

Arnold	Brantley	Hollahan	Saunders
Beaufort	Gong	Horne	
Boyd	Graham	McClain	
Brannen	Haverfield	Ott	

By unanimous consent Senator Weissenborn changed his vote from yea to nay.

By unanimous consent Senator Boyd changed his vote from nay to yea.

By unanimous consent, Senators Fincher and de la Parte were recorded as voting yea.

On motion by Senator Hollahan, the Senate reconsidered the vote by which the foregoing amendment to the substitute amendment was adopted.

By permission Senator Brantley withdrew the substitute amendment.

The question recurred on the amendment offered by the Committee on Judiciary—Civil B.

Senator Scarborough offered the following substitute amendment:

On page 8, line 3, section 12, after "shall be", strike the remainder of the section through line 12 and insert the following: advisory only and shall be reduced to writing with findings of fact and submitted by the arbiters to the appropriate governing body for consideration.

On motion by Senator Wilson, the following amendment to the substitute amendment was adopted:

On page 8, insert the following: after "advisory only": and shall not be binding upon either the bargaining agent or the corporate authorities

The substitute amendment as amended was adopted.

A motion by Senator Weissenborn to reconsider the vote by which the substitute amendment as amended was adopted failed.

The Committee on Judiciary—Civil B offered the following amendment which was adopted on motion by Senator Horne:

On page 10, line 11, section 22, strike "immediately upon becoming a law" and insert: January 1, 1972

The Committee on Judiciary—Civil B offered the following amendment which was adopted on motion by Senator Horne:

On page 9, lines 5 and 6, section 15, strike "paid by the governmental authority" and insert: divided equally between the parties

The Committee on Judiciary—Civil B offered the following amendment which was adopted on motion by Senator Horne:

On page 9, line 13, strike Section 17 in its entirety and renumber the remaining sections.

Senator Scarborough offered the following amendment:

On page 4, line 28, section 9, after the word "to" insert: advisory

On motion by Senator Hollahan, the hour for convening on Tuesday, April 13, 1971, was set for 9:00 a.m.

On motion by Senator Sayler, by two-thirds vote, SB 170 was withdrawn from the Committee on Commerce and from further consideration of the Senate.

On motion by Senator Sayler, by two-thirds vote, SB 128 was withdrawn from the Committee on Judiciary—Criminal and from further consideration of the Senate.

On motion by Senator Sayler, by two-thirds vote, SB 196 was withdrawn from the Committee on Personnel, Retirement and Claims and from further consideration of the Senate.

CO-INTRODUCERS

By permission, Senator Johnson (29th) was recorded as a co-introducer of Senate Bills 422 and 241 and SM 299.

By permission, Senator Trask was recorded as a co-introducer of Senate Bills 412, 413, 414, 415, 416, 417, 418, 419 and 420.

On motion by Senator Hollahan, the Senate adjourned at 1:01 p.m. to reconvene at 8:30 a.m., April 9, 1971.